THE HON'BLE SRI JUSTICE C.V. RAMULU

5th June, 2006

W.P.No.34560 of 1998

Between:

M.Hanumantha Rao .. Petitioner

And

The District Collector (CS),
Warangal District at Warangal
and 4 others .. Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.34560 of 1998

ORAL ORDER:

This writ petition is filed challenging the Memo dated 24-11-1998

of the 1st respondent and also the Order dated 6-10-1995 of the 2nd respondent.

The petitioner was granted authorization to run the fair price shop at Saireddipalli village, Nekkonda Mandal of Warangal district. He had authorization till March,1990. Thereafter, it seems, he became Upa-Sarpanch of the village and did not seek renewal of the licence. Respondent No.3-Revenue Divisional Officer had conducted an enquiry and submitted a report on 8-11-1992. The renewal application was filed by him two years after he resigned to the Office of Upa-Sarpanch. He further stated that he has remitted the renewal fee in the State Bank of Hyderabad at Narsampet Branch on 28-3-1990 and along with other dealers he submitted the renewal application to the 1st respondent-Mandal Revenue Officer. But, he failed to produce any evidence to show that he has submitted any application for renewal within the validity date. Respondent No.3-Revenue Divisional Officer also stated that the petitioner was holding the Office of Upa-Sarpanch upto 7-5-1990 as is evident from the Proceedings of the Mandal Revenue Officer, Nekkonda dated 7-5-1990. Thus, it was found that the petitioner failed to apply for renewal of licence within the validity date and he was holding the Office of Upa-Sarpanch upto 7-5-1990. Therefore, the licence was not renewed. Aggrieved by the same, he had filed an appeal before the Joint Collector-2nd respondent. Respondent No.2, on perusing the report of the Revenue Divisional Officer and the enquiry report held that the Revenue Divisional Officer has rightly passed orders and thus dismissed the appeal. Challenging the same, he filed a revision before the 1st respondent-Collector. Respondent No.1 issued a Memo dated 24-11-1998 stating that the revision is not admitted since the same was

presented belatedly. Questioning the same, the present writ petition is filed.

The facts, which are not in dispute, would speak for themselves. No legal ground is made out to interfere with the impugned Order. In fact, the impugned Order passed by the 1st respondent is only a communication received by the petitioner stating that the revision was not admitted since the Order passed by the Joint Collector was served on the counsel for the petitioner in the year 1995 itself and there is no provision under the Andhra Pradesh Scheduled Commodities (RDCS) Order,1973 for condonation of delay in filing the revision. The appeal was disposed of on 6-10-1995 and the revision was filed on 27-10-1998. This itself would show that the petitioner was not diligent in pursuing his case. There are no grounds to interfere with the impugned Orders, under Article 226 of the Constitution of India. The writ petition is devoid of merit and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

05-6-2006

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